

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TREMAIN L. GRAHAM and TRELLIS M.  
HORTON,

Plaintiffs,

- against -

**ORDER**  
**09-CV-1635 (JG)(LB)**

THE PEOPLE OF THE STATE OF NEW YORK,  
et al.,

Defendants.

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**BLOOM, United States Magistrate Judge:**

By letter dated January 14, 2010, defendants' counsel informs the Court that on November 17, 2009, defendants served plaintiffs with discovery requests and that plaintiffs have not responded.<sup>1</sup> Document 37. Defendants request that the Court order plaintiffs to respond to defendants' discovery demands by a date certain. Defendants' request is granted. Plaintiffs shall respond to defendants' discovery requests by February 1, 2010. Plaintiffs are warned that if they fail to respond to defendants' discovery requests by February 1, 2010, I will recommend that this case should be dismissed pursuant to Fed. R. Civ. P. 37(b)(2)(A)(v).<sup>2</sup> See Federal Rule of Civil Procedure 37(b)(2)(A) ("[T]he court where the action is pending may issue further just orders.

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<sup>1</sup> Plaintiffs' response was due on December 17, 2009.

<sup>2</sup> Plaintiffs are well aware of their discovery obligations. Graham and Horton have filed a total of eight cases since November of 2005, and the Court has warned them on various occasions that they must comply with discovery as well as the Court's Orders or face dismissal. See Graham v. City of New York, No. 05-CV-5292 (dismissed February 2007); Graham v. Jetspeed Records Enters., No. 06-CV-859 (dismissed March 2006); Graham v. City of New York, No. 06-CV-2065 (dismissed August 2007); Horton and Graham v. Ameritrust, et al., No. 06-CV-2222 (dismissed February 2007); Graham v. Ortiz, et al., No. 07-CV-1690 (Report issued recommending dismissal for plaintiff's failure to comply with discovery obligations; case pending); Graham v. Home Tower Realty R.E., et al., No. 07-CV-2799 (dismissed August 2007); Graham v. People of the City of New York, 09-CV-4007 (detailing plaintiff's "troubling" litigation history and previous dismissals for failure to comply with discovery obligations; dismissed October 2009).

They may include the following: . . . (v) dismissing the action or proceeding in whole or in part”);  
see also Valentine v. Museum of Modern Art, 29 F.3d 47, 49 (2d Cir. 1994) (The sanction of  
dismissal “may be imposed even against a plaintiff who is proceeding *pro se*, so long as warning  
has been given that noncompliance can result in dismissal.”).

SO ORDERED

/S/  
LOIS BLOOM  
United States Magistrate Judge

Dated: January 15, 2010  
Brooklyn, New York